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COMMISSION FOR PUBLIC COMPLAINTS AGAINST THE RCMP

2009-2010

ANNUAL REPORT

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WHO WE ARE AND WHAT WE DO

The Commission for Public Complaints Against the RCMP is an independent body established in 1988 to receive and review complaints about the conduct of regular and civilian RCMP members in the performance of their policing duties. Its mission is to contribute to excellence in policing through civilian review.

The CPC ensures that complaints about the conduct of RCMP members are examined fairly and impartially. Its findings and recommendations help identify, correct and prevent the recurrence of policing problems caused by the conduct of specific RCMP members or by flaws in RCMP policies or practices.

VISION: Excellence in policing through accountability.

MISSION: To provide civilian review of RCMP members' conduct in performing their policing duties so as to hold the RCMP accountable to the public.

MANDATE: As set out in Part VII of the *Royal Canadian Mounted Police Act*, the mandate of the Commission is to:

- receive complaints from the public about the conduct of RCMP members;
- conduct reviews when complainants are not satisfied with the RCMP's handling of their complaints;
- hold hearings and carry out investigations; and
- report findings and make recommendations.

STRATEGIC OBJECTIVES

- Increase public awareness of the role and services of the CPC.
- Strengthen the complaint and review processes.
- Improve the relevance of review recommendations and identify continuing, emerging and new complaint trends.
- Support management excellence and maintain a workplace of choice.
- Provide advice on the creation of a new review mechanism for the RCMP.

HOW TO GET IN TOUCH WITH US

You can find the Commission for Public Complaints Against the RCMP on the Internet at **www.cpc-cpp.gc.ca** or **www.complaintscommission.ca**. All documents cited in this report may also be found there.

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Minister of Public Works and Government Services
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The Honourable Vic Toews, P.C., Q.C., M.P.
Minister of Public Safety
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Minister,

Pursuant to section 45.34 of the *Royal Canadian Mounted Police Act*, I hereby submit the annual report of the Commission for Public Complaints Against the RCMP for the 2009- 2010 fiscal year, for tabling in Parliament.

Yours very truly,

Ian McPhail, Q.C.
Interim Chair

June 2010

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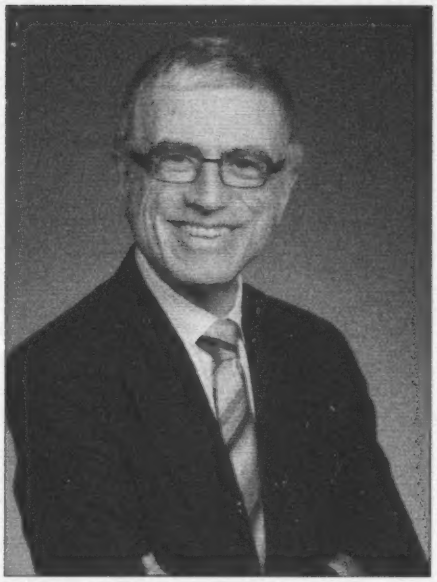
* The RCMP maintains two Conducted Energy Weapons in its inventory – the M26 and X26 TASER®

CHAIR'S MESSAGE



Building Confidence in Policing for Citizens

In January 2010, I was privileged to take on the responsibility of Interim Chair of the Commission for Public Complaints Against the RCMP (CPC). My motivation for accepting the position was based on being asked to play a role in helping a key organization transition to a new mandate which I believe is as important to the RCMP as it is to the Canadian public.

As an independent review body and informed interlocutor, the CPC is uniquely positioned to bring the public's perspective to critical policing issues which can heavily impact the RCMP's standing in the public eye. TASER® use and the issue of the police investigating their own members are two such topics. The CPC has a history of being forthright in identifying deficiencies—be they institutional or individual.

When we are accused of being too soft on the RCMP by critics, and being too critical by the RCMP, we know we probably have the balance about right.

That said, despite how the media may on occasion portray the relationship between our two institutions, and as hard-hitting as some of our reports may have been, the RCMP in fact has accepted the vast majority of our recommendations which are after all aimed at improving the performance of the Force.

We are proud of our record of fairness and impartiality. A credible and effective regime of civilian oversight of the RCMP is an essential mechanism for the public and the RCMP itself.

My vision for the CPC in the short term is simple: I want to consolidate the excellent work of my predecessor by maintaining strict service standards in response times to complaints and reviews. I want to strengthen the complaint and review processes and I want to make it easier for citizens to access the system.

There is another important objective I have as Interim Chair, and that is to ensure that the working relationship between the CPC and the RCMP rests on a solid foundation of mutual respect and trust. There will, however, be occasions where we will just have to agree to disagree.

In terms of the future, as has been consistently recommended by CPC Chairs over the years, by the O'Connor Commission, the Brown Task Force, various Parliamentary and Senate Committees and of course, the RCMP itself, the creation of a new oversight regime was announced in Budget 2010. The proposed legislation is currently before Parliament.

As Interim Chair, I am optimistic that a strengthened oversight mandate will indeed address what RCMP Commissioner Elliott has referred to as a "credibility challenge." We understand that the public's expectation of accountability from their public institutions, and particularly from their police forces, has evolved, and the bar has been raised significantly.

On a final note, I believe the RCMP is an institution vital to the safety and well-being of Canadians across this land. We've all grown up in a country where the Red Serge and Stetson were unique Canadian symbols of pride. Canadians want the RCMP to succeed. At the CPC, we believe we can play a role in helping the RCMP meet the peerless standards Canadians expect of it.

"When we are accused of being too soft on the RCMP by critics, and being too critical by the RCMP, we know we probably have the balance about right."

CPC REPORTS AND FINDINGS

ONGOING PUBLIC CONCERN SURROUNDING RCMP CONDUCTED ENERGY WEAPON (TASER®) USE

The use of the TASER® by the RCMP continues to generate significant expressions of public concern. As these concerns have continued to build over recent years and involve the use of conducted energy weapons by police forces generally in North America and other democratic countries, the Commission continues its work in this important area.

Chair-initiated Complaint & Public Interest Investigation into Deaths Proximal to TASER® Use

Ongoing concerns about the use of TASERs® prompted a Chair-initiated complaint and public interest investigation in January 2009. Specifically, the complaint is aimed at examining relevant incidents between 2001 and 2009 to identify potential trends.

This investigation will also determine whether existing RCMP policies, procedures and guidelines are adequate.

In November 2009, the Chair expanded his complaint to include the July 2003 in-custody, TASER®-related death of Mr. Clay Alvin Willey following a request from the Solicitor General of British Columbia.

The CPC has appointed its own independent lead civilian investigator. The investigation is ongoing and it is expected that an Interim Report will be delivered to the RCMP by summer 2010.

Review of the RCMP's Use of the Conducted Energy Weapon (TASER®) for 2008

The CPC reviewed the RCMP's use of the TASER® for the 2008 calendar year.

Key findings of the report indicate that RCMP members are showing greater restraint in the use of the weapon overall.

- RCMP TASER® use declined 30% in 2008 from 2007; and
- actual TASER® deployment declined to 51%, when withdrawn from holster, compared to 72% the previous year.

This change seems to reflect a greater use of the weapon as a deterrent, and may also reflect a greater recognition by suspects of the TASER® along with its effects.

The RCMP announced a number of changes to its TASER® policy on May 4, 2010. (See "Recently Implemented Recommendations" on page 12 for more on the new policy.)

To that end, the CPC is currently working with the RCMP with respect to issues of:

- member training including potential scenarios;
- reporting mechanisms; and
- policy development.

Additionally, the CPC is continuing to discuss concerns regarding TASER® use as it relates to those who are most vulnerable and in high-risk populations.

In the fiscal year 2010-2011, the CPC will be publicly releasing its review of the RCMP's use of the TASER® for the 2009 calendar year.

Frank Lasser

In April 2009, the Chair released his final report into the 2008 use of the TASER® on Frank Lasser. During the incident, Mr. Lasser, a patient at the Royal Inland Hospital in Kamloops, B.C., allegedly threatened Kamloops RCMP members with a knife. Members subdued the then 82-year-old Mr. Lasser by use of a TASER®.

The Chair determined that RCMP members acted appropriately by using the TASER® on Mr. Lasser as a last resort to disarm him after all other attempts had failed.

Throughout this incident, Mr. Lasser's behaviour could reasonably be described as posing a threat of grievous bodily harm or death to hospital staff, police and even himself. Under the circumstances, the Chair concluded that use of the TASER® was justified.

Inuvik Minor

The CPC investigation into a March 2007 incident, in which an RCMP member deployed the TASER® on an unruly 15-year-old female at the Arctic Tern Young Offenders Facility in Inuvik, N.W.T., found no justification for the use of the weapon on the juvenile.

The Chair made recommendations relating to TASER® policy and commented on systemic issues and the need for a broad review of the handling of public complaints in the North. The RCMP Commissioner agreed with the majority of the Chair's findings and recommendations but has not agreed to conduct a review of Northern issues.

Robert Dziekanski

The death of Robert Dziekanski in October 2007 at the Vancouver International Airport prompted the Chair to initiate a complaint and public interest investigation. In the report, the Chair made 23 findings and 16 recommendations aimed at improving RCMP training, policies and procedures so that such tragedies do not occur in the future. While the RCMP Commissioner has not yet provided a formal response, the RCMP, as previously noted, announced a new policy that addresses many of the CPC's concerns as they relate to the use of the TASER®.

A full list of the CPC's recommendations and findings are available on the CPC's website.

POLICE INVESTIGATING THE POLICE: TOWARDS A NEW MODEL

Over the years, the CPC has frequently addressed allegations regarding the impropriety of police officers investigating other officers who are accused of serious misconduct.

Kevin St. Arnaud

The Chair found the use of force by the RCMP justified in the death of Kevin St. Arnaud in December 2004. Mr. St. Arnaud was shot by an RCMP member in the aftermath of a break-in at a local pharmacy. However, the Chair identified several deficiencies on the part of members first on the scene and those who conducted the related criminal investigation. The Chair urged the RCMP to strengthen its procedures relating to use of force experts, suggested best practices for primary investigators involved in investigating police conduct, recommended the implementation of policy to provide direction to on-scene members in major cases involving the investigation of police conduct, and clarifications to Major Case Management policy.

The RCMP Commissioner accepted the CPC's recommendations and noted that the relevant policies were in the process of being developed or reviewed. The CPC continues to monitor the RCMP's actions in this regard.

Chair-initiated Complaint & Public Interest Investigation into Police Investigating Police

This complaint and public interest investigation to examine the issue was a critical undertaking for the CPC requiring a significant commitment of financial and human resources.

With the objective of identifying the most appropriate model for the RCMP's handling of criminal investigations into its own members (involving serious injury, sexual assault or death), the CPC:

- undertook a detailed analysis of current media, political, and academic debate on the issue to determine a baseline for discussion;
- sought public submissions on the issue to help inform the debate;
- assessed the adequacy of current RCMP policy guiding member action when investigating another member;
- reviewed a sample of 28 RCMP investigations where member actions were alleged to have resulted in serious injury, sexual assault or death between 2002 and 2007 (the appropriateness of each case was assessed against specific criteria which included: line management, level of response, timeliness, conduct, and compliance with policy); and
- researched alternate investigative models and conducted interviews with domestic and international bodies.

Key Recommendations

The CPC's final report, which was issued August 11, 2009, included a number of recommendations regarding procedural changes designed to reinforce best practices in such situations and the potential creation of dedicated investigation units. The Chair called for immediate action on the part of the RCMP to ensure that serious member-involved incidents are no longer investigated by the RCMP itself but rather by external agencies.

More specifically, the CPC called for the RCMP to implement the following processes immediately:

- A National RCMP Member Investigation Registrar should be created to coordinate both the development of national policy and the handling of member investigations. This would also address the lack of data collection or monitoring of member investigations that the CPC found during this review.
- All member investigations involving death should be referred to an external police force or provincial criminal investigative body. There should be no RCMP involvement in the process. A CPC Observer should also be present to ensure transparency.
- The process for all member investigations involving serious injury or sexual assault should be jointly determined by the CPC and the National RCMP Member Investigation Registrar to:
    - refer the investigation to an external police force or a provincial body; or
    - deploy an RCMP HQ Critical Incident Member Investigation Team; and
    - ensure that a CPC Observer is embedded in the investigation.

It was further recommended that when created, the new RCMP review body be given the legislative mandate to:

- refer an RCMP member investigation to another police force or to another criminal investigative body in Canada;
- monitor any criminal investigation relating to a member of the RCMP; and
- undertake joint investigations with like-mandated bodies at either the provincial or municipal level.

The CPC believes that the combined mandatory and legislative changes outlined above would set a highly credible "gold standard" for criminal investigations of RCMP members.

RCMP Policy Enhancements

On February 4, 2010 the RCMP announced its new *External Investigation or Review Policy*. The policy incorporates a number of the CPC's recommendations (see "Recently Implemented Recommendations" on page 12 for more on the new policy).

This is an important step forward for the RCMP. The CPC would encourage the RCMP to adopt all of its recommendations and in particular create a centralized function to track and monitor these investigations.

"The CPC believes that the combined mandatory and legislative changes outlined above would set a highly credible 'gold standard' for criminal investigations of RCMP members."

ONGOING NOTABLE COMPLAINTS

IN-CUSTODY DEATHS

Raymond Silverfox

In December 2008, Raymond Silverfox of Whitehorse, Y.T. went into medical distress in RCMP cells and later died in hospital. The Chair initiated a complaint focused on policies regarding access to medical treatment for persons detained in RCMP custody, particularly when alcohol consumption is a factor.

The April 2010 Coroner's inquest revealed particularly disturbing details of the case related to the apparent indifference of RCMP members to Mr. Silverfox while he was detained.

The RCMP delivered its investigative report to the Commission in March 2010. The Commission's review is ongoing.

Robert Knipstrom

In November 2007, the Chair initiated a complaint into the in-custody death of Robert Knipstrom and deployed an Independent Observer to monitor the impartiality of the RCMP's investigation into his arrest. During his arrest, Mr. Knipstrom was subjected to hand techniques, the application of pepper spray, a TASER®, a baton and he subsequently died in hospital. The CPC Observer concluded that there were no identified issues of impartiality.

In January 2009, in order to expedite the investigation of this matter, the Chair expanded his initial complaint to include a public interest investigation led by a civilian investigator.

The CPC completed its investigation and provided its report to the RCMP in November 2009. The CPC is awaiting the RCMP Commissioner's response.

Christopher Klim

The December 2007 shooting death of Christopher Klim is currently being investigated pursuant to a Chair-initiated complaint, particularly in light of concerns regarding persons being apprehended under mental health legislation.

The RCMP-led investigation into the Chair's complaint has been marred by unacceptable delays. These concerns have been raised with the RCMP.

Cheryl Anne Bouey

The June 2008 in-custody death of Cheryl Anne Bouey in Prince George, B.C. prompted a Chair-initiated complaint. Ms. Bouey was found unresponsive in her cell after being arrested by the Prince George RCMP. The Chair asked whether RCMP policies regarding the proper care and safety of persons detained in cells are adequate.

The RCMP delivered its investigative report into this incident in March 2010. The CPC's review is ongoing.

Valeri George

The September 2009 shooting death of Valeri George in Fort St. John, B.C. also prompted a Chair-initiated complaint. Mr. George was shot by RCMP Emergency Response Team (ERT) members as he fled

his home several days after allegedly shooting at a vehicle containing his spouse and children. The Chair's complaint is particularly concerned with the use of force by the RCMP ERT members.

The investigation is ongoing.

John Simon

John Simon was fatally shot by the RCMP in Wagmatcook, N.S. in December 2008. Due to increasing public concern about the RCMP's handling of the incident, a Chair-initiated complaint and public interest investigation was launched in March 2010. The complaint will examine all aspects of this tragic matter including the RCMP's response on that day, and its training, policies and procedures. The Commission will also examine the conduct of the RCMP members involved in the subsequent investigation to ensure that it was carried out impartially and in a timely manner.

The investigation is ongoing.

POLITICALLY SENSITIVE INVESTIGATIONS

The Chair launched a public interest investigation into allegations that RCMP members failed to adequately investigate the alleged surreptitious and illegal taping of a national political party caucus meeting. The CPC's investigation found that the RCMP members acted appropriately and performed their investigation in accordance with standard investigative procedures.

It is important to note that the CPC's 2008 report into the RCMP's disclosure of its investigation into the income trust leak addressed similar concerns regarding politically sensitive investigations and the requirement for the RCMP to develop a clear policy relating to investigations that touch upon the federal electoral process.

ADDITIONAL REVIEWS & FURTHER INVESTIGATIONS OF NOTE

During 2009-2010, the CPC's reviews and further investigations dealt with such varied issues as the provision of information to foreign law enforcement bodies, criminal investigation quality, and the use of force. It should be noted that in some cases the RCMP has responded to the CPC's recommendations and that such responses are addressed in the section "Recommendations Awaiting Implementation."

The following are examples of reviews and notable investigations from the past fiscal year.

Provision of Evidence

- In one instance, the RCMP provided items seized from the complainant, who was arrested pursuant to an immigration warrant, to U.S. authorities. The CPC decried such a practice as inconsistent with the *Mutual Legal Assistance in Criminal Matters Act* and recommended the amendment of RCMP policy to address such issues.

Quality of Criminal Investigation

- One review was requested by the parents of a woman who was shot in her home and died after being found by a neighbour four days later. The RCMP had been called to the area on the night of the shooting, and the CPC

found that the attending members failed to properly investigate a report that shots had been fired.

Use of Force

- In one instance, after trying to choke himself, a complainant was left naked in his cell, where he was subject to the TASER®, hit his head purposely on a toilet seat and was subsequently placed in a restraint chair for over two hours. The CPC concluded that the length of time in the restraint chair was excessive.

- In another review involving the use of force, an individual stole a large commercial truck and led RCMP members on a dangerous vehicle pursuit down major roads and highways during the early morning rush hour. While fleeing the stolen vehicle, the individual was hit by an RCMP police dog service vehicle. The CPC concluded that while the pursuit was appropriate, review of the policy should be undertaken to ensure that safety concerns are addressed.

- In a third review, RCMP members attempted a covert takedown resulting in injury to the complainant, who was wrongly identified as a suspect. The CPC found that the members, who were in plain clothes, had failed to identify themselves and had carried out an improper arrest. It also recommended the review of RCMP policy regarding the identification of undercover officers.

Neglect of Duty

- In one instance, RCMP members decided to lodge a man appearing fairly intoxicated in cells until sober. The man went to sleep once in cells but it was later observed that he was not breathing and had no pulse, and he died shortly thereafter. The CPC concluded that the deceased had not been monitored in full compliance with policy.

Review of Policing in the North

Through its reviews, the CPC has identified potential areas of concern regarding RCMP member conduct and the public complaint process in the North.

The nature of policing in Canada's North is unique with a particular need for a strong relationship between members of the RCMP and the public.

The CPC is working at the request of the Yukon government and the RCMP to review public concerns about policing in the territory aimed at ensuring that the RCMP is responsive and accountable to the needs of Yukon citizens.

INDEPENDENT OBSERVER PROGRAM

Originally undertaken in 2007 following the CPC's review of the in-custody death of Ian Bush as a pilot project in "E" Division (British Columbia), the Independent Observer Program (IOP) is aimed at:

- ensuring that RCMP investigations into incidents where RCMP members' actions have resulted in serious injury or death are conducted without concern for impartiality;
- enhancing public confidence in RCMP-led investigations into its own members with respect to the impartiality of the RCMP team conducting the investigation.

IOP Assessment of Impartiality and Independence

A CPC Independent Observer, along with a liaison member from the RCMP's Office of Investigative Standards and Practices, attends the locale of the incident and is fully briefed throughout the investigation. Access to the operational file of the investigation is also provided so that the Independent Observer is able to assess impartiality. That assessment is done using four primary criteria:

- **Line management:** Whether there are any actual or perceived conflicts of interest between the subject members and those conducting the investigation. In addition, whether the management structure and reporting relationships are appropriate.
- **Appropriate level of response:** Whether the investigative team's response to the incident is proportional to the seriousness of the incident. This includes training, experience, and professional accreditation.
- **Timeliness of the response:** Whether there were any delays in the investigative team's response to the incident.
- **Conduct:** Whether the investigative team members' conduct is consistent with section 37 of the *RCMP Act*.

The Independent Observer confines the assessment to these four considerations and does not examine the investigation with regard to issues such as adequacy or direction. That said, the Observer is a helpful set of eyes and ears for the CPC and can lead to the Chair determining that it is appropriate to examine the matter more closely and initiate a complaint. Following each IOP incident, summary and status reports are posted on the CPC website.

The IOP was initiated on seven occasions during the past year.

Location	Date engaged
Gibsons, B.C.	April 1, 2009
Surrey, B.C.	July 15, 2009
North Cowichan/ Duncan, B.C.	September 19, 2009
Hazelton, B.C.	September 26, 2009
Buick Creek/ Fort St. John, B.C.	October 1, 2009
Nanaimo, B.C.	October 23, 2009
Smithers, B.C.	November 21, 2009

CPC RECOMMENDATIONS: ACCOUNTABILITY TO THE PUBLIC

While addressing cases involving the conduct of individual RCMP members, the Commission also aggressively seeks to identify systemic problems that frequently generate complaints.

The Commission launched a number of Chair-initiated complaints in 2009-2010, creating a comprehensive factual picture of police activities and enabling the Commission to examine RCMP practices on a detachment, division and national basis.

This approach allows the Commission to better inform the RCMP Commissioner, the Minister of Public Safety and the Canadian public of the true nature and scope of problems that have tended to be viewed as isolated events.

To foster greater public debate on these important issues, the Commission will continue to publish key reports on its website.

RECENTLY IMPLEMENTED RECOMMENDATIONS

External Investigations Policy

As previously mentioned, the RCMP announced in February 2010 its new policy governing investigations where there is a serious injury or death of an individual involving an RCMP employee or where the matter is of a serious or sensitive nature.

In these cases, rather than investigating its own members the RCMP will request an external law enforcement agency or other duly authorized investigative agency to conduct the investigation.

A recurring area of concern

continues to be the lack of adequate notes being taken by RCMP members involved in incidents subject to complaints. The absence of thorough and contemporaneous note-taking by members hampers the Commission's ability to review incidents and is an area that the RCMP Commissioner agrees ought to be improved.

If an independent external investigation is not feasible, the policy outlines additional requirements. These include:

- bringing in officers from a different province from where the incident occurred to conduct the investigation;
- the appointment of an independent observer; and
- providing for independent review.

If the RCMP must investigate its own members, cases will be assigned a team of at least two officers who will be screened for any actual or perceived conflict of interest.

The CPC is also encouraged by the fact that the policy limits the potential of bias by directing that the rank of the primary investigator will, whenever possible, be higher than that of the subject being investigated.

TASER® Use Policy

The RCMP announced a number of changes to its conducted energy weapon policy in May 2010. The changes went a long way towards addressing previous recommendations made by both the CPC and the Braidwood Commission.

The key change in the opinion of the CPC is the definition provided for situations where a trained RCMP member might use a TASER®, namely: "situations where a subject is causing bodily harm or the member believes on reasonable grounds that the subject will imminently cause bodily harm."

The new threshold requirement for TASER® use should help reduce the risk of 'usage creep' previously identified by the CPC. The change, along with the recognition that additional precautions be taken before using the weapon, was a prudent move on the part of the RCMP.

The CPC has some remaining concerns which it will be discussing with the RCMP. In addition, the CPC will follow up on new training standards to see how the RCMP's policy will be applied to day to day policing.

> **"The new threshold requirement for TASER® use should help reduce the risk of 'usage creep.'"**

RECOMMENDATIONS AWAITING IMPLEMENTATION

Examples of the Commission's recommendations that remain outstanding include:

CPC Recommendation	CPC Report	Date
A policy on sensitive investigations UPDATE: The RCMP is developing a draft policy.	Report into Disclosure by the RCMP of its Investigation Regarding the Taxation of Canadian Corporate Dividends and Income Trusts	March 2008
A policy regarding members' duty to account UPDATE: The RCMP has prepared a draft and Commission comments have been provided.	Final Report on Chair-Initiated Complaint into the Shooting Death of Ian Bush Final Report on Chair-Initiated Complaint into the Shooting Death of Kevin St. Arnaud	November 2007 March 2009
A policy relating to RCMP members property identifying themselves in undercover investigations	Final Report into a Public Complaint	April 2009
A policy dealing with requests for exhibits consistent with the *Mutual Legal Assistance in Criminal Matters Act* UPDATE: The RCMP has prepared a draft policy.	Final Report into a Public Complaint	April 2009
A policy dealing with RCMP use of the TASER® UPDATE: The April 2010 RCMP CEW policy change addressed many of the CPC's concerns.	RCMP Use of the Conducted Energy Weapon (CEW) Final Report	June 2008
A policy regarding civil disputes to which the police have been called UPDATE: The RCMP has agreed to provide the CPC with a copy of the finalized policy.	Final Report into a Public Complaint	January 2009

IMPROVING THE COMPLAINT SYSTEM

TRACKING OF PUBLIC COMPLAINTS

CPC Review of the RCMP Public Complaints Record

Since 2007, the CPC has carried out an annual in-depth examination of the entire RCMP public complaints system. This project has a number of goals but is particularly aimed at providing an empirical foundation to assess how effectively the RCMP public complaints system is functioning overall.

The CPC's Review of the Record report for calendar year 2008 called for a number of enhancements to be made to the system, namely that:

- previous recommendations be implemented by the RCMP;
- complaints be tracked more effectively; and
- policies regarding complaint withdrawal and informal resolutions be clarified.

This report is an important public reporting and management tool in identifying areas requiring particular attention to enhance client service delivery.

The RCMP has taken a number of steps in response to the CPC's recommendations. In addition to clarifying policy directives and clearing up a number of historic complaints, the RCMP's National Public Complaint Unit has put in place a searchable database to track and monitor the public complaint process. This system will be key to helping ensure that public complaints are being handled consistently and in accordance with policy and public expectations.

Research into Systemic Concerns

Beyond tracking complaints, the CPC is also continuing its research into areas of particular concern to the public such as issues related to in-custody deaths and police training programs addressing interactions with people suffering from mental health-related issues.

CREATING A "NO WRONG DOOR" APPROACH TO CIVILIAN OVERSIGHT IN CANADA

Intent on maximizing the level of service delivery to Canadians, the CPC continues to work diligently with its provincial partners to harmonize police oversight processes to the extent possible under existing law. A critical aspect of these harmonization efforts is creating a "no wrong door" approach to the intake of complaints about the police no matter which agency they belong to. The goal is to minimize frustration felt on the part of complainants and to streamline the intake processes.

Police Complaints Related to the Olympic Games

During the Vancouver 2010 Winter Olympic Games, policing services were provided by the RCMP-led Integrated Security Unit, which was made up of RCMP members as well as officers from police services from across Canada. Municipal police officers from B.C.'s lower mainland also played a primary role in policing the Games.

The CPC worked with provincial police oversight bodies to coordinate the receipt of public complaints with respect to the conduct of RCMP members as well as all non-RCMP officers from outside of B.C. This meant that the Commission was prepared to accept complaints regarding all police conduct at/or connected to the Olympic Games.

The CPC's National Intake Office received ten complaints related to police conduct during the Olympic Games. None of these complaints raised broad concerns regarding the security operations during the Games.

The extensive preparations undertaken by the RCMP prior to the opening of the Olympic Games contributed significantly to what culminated as a very well-run event.

The model of partnership and engagement put in place for the 2010 Olympic Games will provide valuable guidance for assessing police/public interaction during the G8/G20 Summits in June 2010.

ORGANIZATIONAL AND BUSINESS IMPROVEMENTS

Internet Enhancements

As part of its ongoing commitment to ensuring greater public access to its reports and recommendations, the CPC has greatly expanded the amount of information available on its website this past year.

For example, a section of the website features a number of reports which highlight both areas for improvement as well as instances of exemplary police conduct.

In addition to providing its insights on the handling of key aspects of the public complaint process, the CPC will be publishing a series of articles on various issues which have consistently resulted in complaints from the public. These articles are not proposing to provide RCMP members with legal advice or override RCMP policy. Rather, the purpose is to promote best practices, share the CPC's perspective on these important issues, and the lessons that can be learned in this area from the civilian public complaint review process.

Management & Employee Engagement

The CPC promotes management excellence and has established an integrated human resources and business plan framework to establish and maintain the CPC as an employer of choice. Results from the most recent Public Service-wide Employee Survey (2008) confirmed that employee engagement is significantly higher at the CPC than compared to the Public Service as a whole. The CPC attaches great importance to integrated planning and management accountability. Both are central to ensuring that the CPC remains a healthy organization which retains and attracts competent, committed and engaged employees.

THE COMPLAINTS & REVIEW PROCESS

ENQUIRIES, ALTERNATIVE DISPUTE RESOLUTIONS AND FORMAL COMPLAINTS

The Commission remains focused on offering the public a range of options for the handling of RCMP complaints or concerns. To this end, when a member of the public contacts the Commission, they are provided with same-day access to an experienced analyst who then assesses the needs of that person and identifies possible options for a way forward to addressing their concerns.

Enquiries

Enquiries may include requests for information about police authority, obtaining assistance in furthering an investigation or gaining an understanding of the role of Crown counsel. This alternative measure appreciably decreases the demands placed on the complaint system.

Alternative Dispute Resolution (ADR)

The Commission employs skilled analysts, trained in mediation, who function as neutral and objective intermediaries to assist with conflict resolution between the public and the RCMP.

Commission analysts clarify what the roles and responsibilities of the parties are, establish logistics for communications and assure the individual that the formal complaint process remains an option in the event of an unsatisfactory outcome. In many instances, these types of conflicts are resolved within a few days.

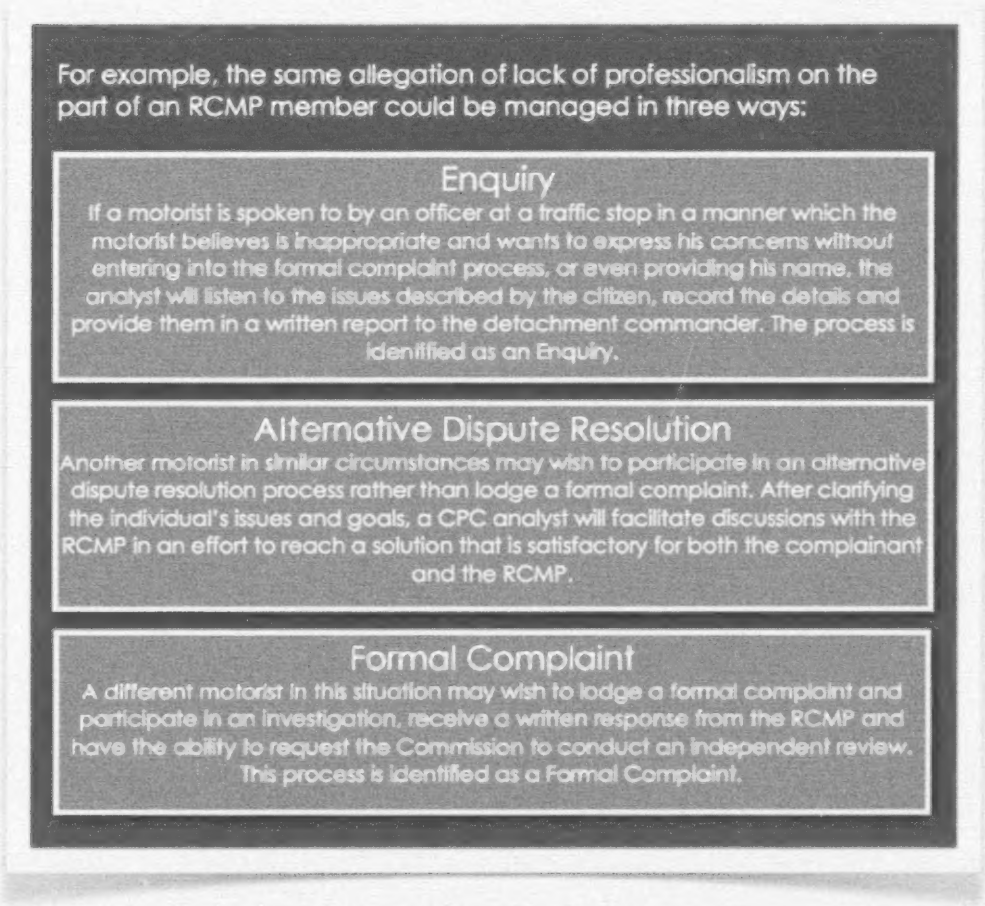
It should be noted that statutory offence allegations or those alleging excessive use of force or other serious matters are not considered to be appropriate for ADR.

"When a member of the public contacts the Commission, they are provided with same-day access to an experienced analyst."

Formal Complaints

A formal complaint involves a complainant and a CPC analyst completing an official complaint form. The complaint is then written up and sent to the RCMP for investigation.

If the complainant is dissatisfied with the RCMP's investigation, he or she can request that the CPC conduct a review of the investigation.


For example, the same allegation of lack of professionalism on the part of an RCMP member could be managed in three ways:
Enquiry
If a motorist is spoken to by an officer at a traffic stop in a manner which the motorist believes is inappropriate and wants to express his concerns without entering into the formal complaint process, or even providing his name, the analyst will listen to the issues described by the citizen, record the details and provide them in a written report to the detachment commander. The process is identified as an Enquiry.
Alternative Dispute Resolution
Another motorist in similar circumstances may wish to participate in an alternative dispute resolution process rather than lodge a formal complaint. After clarifying the individual's issues and goals, a CPC analyst will facilitate discussions with the RCMP in an effort to reach a solution that is satisfactory for both the complainant and the RCMP.
Formal Complaint
A different motorist in this situation may wish to lodge a formal complaint and participate in an investigation, receive a written response from the RCMP and have the ability to request the Commission to conduct an independent review. This process is identified as a Formal Complaint.

Receipt of all Complaints in the First Instance

The CPC now has access to complaints received by the RCMP itself. This important development allows the CPC to fully assess *all* complaints made against the RCMP.

REVIEW OF PUBLIC COMPLAINTS

If a complainant is not satisfied with the RCMP's response to their formal complaint, they have the right to request that the CPC independently review the propriety of the conduct and the RCMP's handling of the matter.

Upon receiving a request for review, the CPC:

- requests all relevant information regarding the complaint;
- analyzes and examines the information provided by both the complainant and the RCMP; and
- issues a report making recommendations aimed at improving RCMP conduct and policies and procedures.

If the Commission is satisfied with the actions of the RCMP and the manner in which it addressed the complaint, it will issue a "Satisfied Report."

Interim Reports, Commissioner's Notices and Final Reports

On the other hand, if the Commission finds fault or is otherwise not satisfied, it will issue an "Interim Report" outlining its findings and recommendations to the Commissioner of the RCMP and the Minister of Public Safety.

The RCMP Commissioner prepares a response—the Commissioner's Notice—in which he describes what action the RCMP has taken or will take in light of the findings and recommendations. The CPC then prepares its final report—the Final Report After Commissioner's Notice (FACN)—which is sent to the complainant and the members involved.

The Commission may make recommendations that:

1. Address members' individual conduct.
2. Address members' behaviour for an entire detachment or unit.
3. Address deficiencies in a divisional (provincial) policy.
4. Address a deficiency in an RCMP-wide policy.

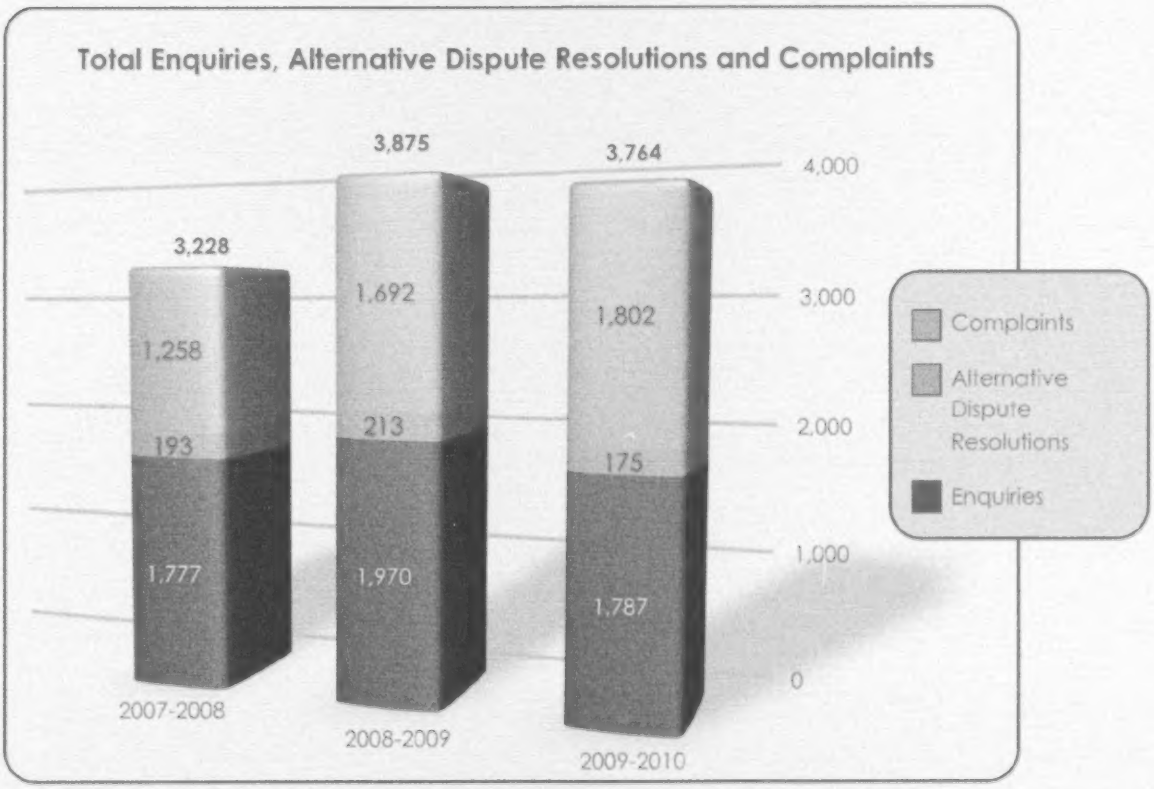
The CPC remains committed to ensuring that its recommendations are remedial in nature, focused on addressing more systemic concerns and preventing problems from arising in the future.

> **"The CPC remains committed to ensuring that its recommendations prevent problems from arising in the future."**

OUR TARGETS AND PERFORMANCE FOR 2009-2010

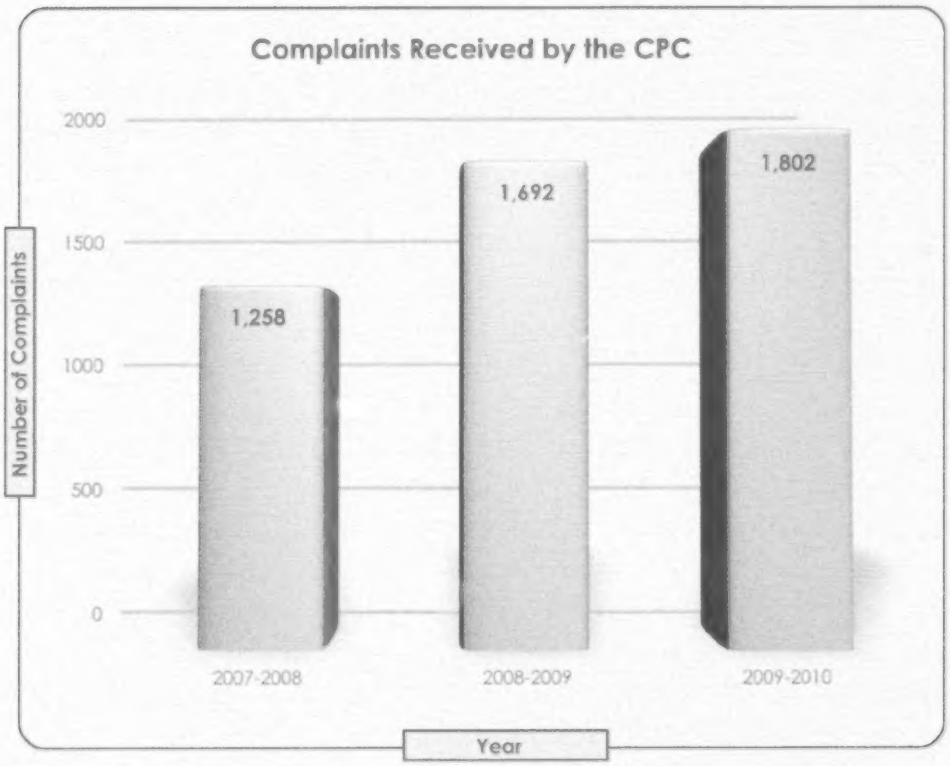
Much of the Commission's work continues to centre on providing direct service to Canadians concerned about the actions of members of the RCMP.

The CPC's National Intake Office in Surrey, B.C. has seen a steady increase in complaints over the past three years. Specifically, it processed 3,764 general enquiries, alternative dispute resolutions ("ADRs"), and formal complaints against the RCMP this year.



While the overall number of complaints against the RCMP (i.e. the total of those lodged directly with the RCMP and CPC) have remained relatively constant, complaints sent directly to the CPC have increased by a total of 43% over the past two years.

This increase is likely due to the public's greater awareness of the CPC and the option of pursuing a complaint through its independent process. As a consequence, complaints submitted directly to the RCMP have declined. The CPC now directly receives approximately 70% of all complaints with the rest being lodged with the RCMP (other than a small number lodged with a provincial body).



"Complaints sent directly to the CPC have increased by a total of 43% over the past two years."

COMPLAINT TRENDS

The type of issues raised in complaints in 2009-2010 followed similar trends from previous years. The most common complaint issue relates to member attitude. This category of alleged complaint can include dismissive, rude, non-responsive or biased behaviour on the part of the member as well as behaviour that is seen to be unfair or lacking empathy.

The second most common complaint issue identified by the Commission relates to the quality of RCMP criminal investigations. This complaint issue is identified as such when the complainant feels that the criminal investigation included improper witness interviews, improper evidence handling and examination, timeliness issues, concealment of facts, or misleading reports.

Other complaint issues relate to arrest, vehicular incidents and issues surrounding allegations of police physical abuse.

10 Most Common Complaint Issues	% of Complaint Issues
Attitude other than abusive language	19.2
Criminal investigation quality (RCMP) other than note-taking	13.8
Arrest	8.2
Vehicular incidents	7.7
Police physical abuse other than restraints	6.8
Detention	5.8
Alcohol/Drugs	5.5
Search and seizure	3.8
Property mishandling	2.6
Abusive language	2.4

REVIEW TRENDS

This year the CPC was asked to review the RCMP's handling of 202 complaints. The CPC notes that the complex nature of the issues raised in these review requests continues to increase.

Of these reviews, the Commission delivered a total of 191 reports:

- 149 Satisfied Reports;
- 42 Interim Reports.

The CPC received 25 Commissioner's Notices from the RCMP.

The CPC observed a continuing trend of the RCMP Commissioner agreeing in large part with the findings and recommendations made by the CPC. Of the number of adverse findings made, the Commissioner agreed with 89% of them. Furthermore, he accepted 82% of the CPC's recommendations.

SERVICE STANDARDS

When handling a formal complaint against the RCMP, the aim of the CPC is to shepherd each complaint through the complaint process—from the initial lodging of the complaint through to its conclusion—as timely as possible and within one calendar year.

Conducting the full range of complaint investigation and review within the one calendar year target is dependent upon the RCMP's response times. Of the number of complaints subject to review requests, 61% met the one-year time frame—an improvement over previous years.

Action	Number of Days Recommended by the CPC
Complaint received by CPC and forwarded to RCMP	4 days
RCMP investigates and delivers a report to the complainant	180 days
If complainant is dissatisfied with RCMP report, CPC requests all material from RCMP	4 days
CPC commences review process • RCMP forwards material to the CPC (within 30 days) • CPC conducts review and sends interim report to RCMP*	120 days
RCMP responds	30 days
CPC issues final report to complainant and RCMP	30 days

* If however, the CPC is satisfied with the RCMP's investigation, the review process ends and a final report is provided to the complainant as well as the RCMP at this time.

The CPC has hit full stride with the implementation of its internal performance-based service standards and continues to look for ways to build efficiencies by working with the RCMP in tracking response times. The CPC recommends that the RCMP apply service standards to the response times as outlined in the table above.

These actions are aimed at enhancing the ability of complainants, RCMP members and Canadians to hold the CPC and the RCMP accountable for a timely response to public complaints.

Delivery of Relevant Materials

As indicated in last year's Annual Report, the CPC's ability to complete its reports thoroughly and expeditiously is dependent upon the RCMP providing all materials relevant to the complaint in a timely manner.

During this past year, the RCMP's Divisional Professional Standards units have significantly improved their response times with the majority of materials being delivered within the 30-day objective. These improvements have played a major role in enhancing the timely response to complainants and RCMP members.

While the materials are coming to the CPC in a much timelier manner, in many cases key documents are missing. This means that they then have to be requested from the RCMP. Due to the unnecessary delays these follow-up requests cause to the review process, the CPC will be working with the RCMP to ensure that a consistent approach to providing documents to the CPC is followed by all RCMP divisions.

Interim & Satisfied Reports

The CPC remains committed to ensuring that at least 80% of its reports are finalized within 120 days of receiving the request for review. This year, the CPC achieved a performance rate of 95%.

Timeliness of Commissioner's Notices

In last year's Annual Report, the CPC commented positively on the efforts made by the RCMP Commissioner in fulfilling his commitment to work through the backlog of Commissioner's Notices and delivering all those outstanding from 2007 and 2008 by the end of March 2009.

This year, however, as can be seen by the table below, the backlog of Commissioner's Notices has returned. While the CPC acknowledges the significant strains that the security obligations in connection with the Winter Olympics in Vancouver had on the RCMP, permitting the accumulation of Commissioner's Notices causes major delays in the system which in turn threaten the integrity of the public complaint process.

Outstanding Commissioner's Notices
as of March 31, 2010

Number of Days	Number of Outstanding Notices	Average Number of Days Outstanding
Less than 30 days	3	11
From 30 to 60 days	1	43
From 61 to 180 days	19	122
From 181 to 365 days	10	218
Over 365 days	1	371

The CPC strongly encourages the RCMP to implement service standards aimed at ensuring the timely delivery of responses to the CPC's Interim Reports.

Final Reports

The CPC has a 30-day service standard for completing FACNs after receiving a Commissioner's Notice. In the past fiscal year, the Commission delivered 25 FACNs to the RCMP, 84% of which were within the Commission's 30-day service standard.

STAKEHOLDER ENGAGEMENT/ COMMUNITY OUTREACH

During the past two years, the CPC has steadily increased its outreach capability. Engagement with key stakeholder groups such as municipality associations, police boards, provincial oversight bodies and aboriginal groups is vital to helping increase awareness of an individual's right to initiate a complaint against the conduct of an RCMP member when merited. Feedback from stakeholder engagements across the country has confirmed that knowledge of access to an independent and impartial complaint process increases the degree of confidence in how the complaint will be handled.

STAKEHOLDER ENGAGEMENT

The CPC participated in the annual conferences of the National Association of (Aboriginal) Friendship Centres (NAFC), the Canadian Association of Police Boards, the Federation of Canadian Municipalities, the Union of B.C. Municipalities, the Alberta Association of Urban Municipalities and the Saskatchewan Association of Rural Municipalities to explain the mandate of the CPC and the services that it provides.

In November 2009, representatives of the Commission undertook a series of meetings with mayors of B.C. municipalities policed by the RCMP, including Richmond, Surrey, Maple Ridge, Pitt Meadows, Chilliwack, Langley, North Vancouver, Coquitlam and Prince George. The CPC also met with officials from the Native Women's Association of the Northwest Territories and held a workshop at the Yellowknife Tree of Peace Friendship Centre.

In addition, information was provided to numerous community and cultural groups, as well as elected officials from all three levels of government. Native court workers, legal aid groups and mental health associations were also approached.

Overall, there was a high degree of interest in the work of the CPC, complaint trends, and the enhancement of police accountability.

NEW MEDIA

As part of its outreach program, the CPC created a short video using its staff to explain the CPC's role, intake and review processes and how to access its services. This tool is available on the CPC's website which has been updated to be more user-friendly. Additionally, the CPC produced a companion video in collaboration with the NAFC, using staff from both organizations in December 2009 to explain the complaint process. The video was specifically designed for aboriginal audiences and will be showcased at the NAFC annual general meeting in Alberta during the summer of 2010.

The Commission's ongoing collaboration with the National Association of Friendship Centres was commended for a second consecutive year in the *Canadian Multiculturalism Act*'s Annual Report 2008-2009.

CROSS-COUNTRY COLLABORATION

One of the initiatives sponsored by the CPC was to create a forum of heads of police review bodies across Canada to meet annually to share best practices, identify emerging issues and enhance working relationships. This is a practitioner's forum offering practical advice, strategies and information on the civilian oversight of police touching on criminal, complaints and disciplinary processes. The fall 2009 session covered such issues as the need for protocols for complaints flowing from the 2010 Olympics, police interaction with aboriginals, and the importance of effective communications.

INTERNATIONAL INITIATIVES

On the international front, the CPC met with counterparts at the UK Independent Police Complaints Commission in the fall of 2009, as well as the Home Office and the Professional Standards Directorate of the Metropolitan London Police. A CPC representative presented at the Australian Public Sector Anti-Corruption Conference 2009 and was subsequently invited to share best practices with the New Zealand Independent Police Conduct Authority. CPC staff also made presentations at the annual conferences of both the National Association for Civilian Oversight of Law Enforcement and the Canadian Association of Civilian Oversight of Law Enforcement. In addition, the Chair of the CPC spoke at the following events:

- The Defence Counsel Association of Ottawa Conference;
- The Canadian Criminal Justice Association Congress;
- The Ottawa Roundtable on Security and Intelligence;
- A Forum co-sponsored by Simon Fraser University and the Ministry of Public Safety and Solicitor General on Investigation Complaints Against the Police: Models, Options and Issues; and
- The Annual Meeting of the Canadian Association of Police Boards.

> **"Engagement with key stakeholder groups is vital to helping increase awareness of an individual's right to initiate a complaint against the conduct of an RCMP member when merited."**

CHALLENGES AND OPPORTUNITIES

The Commission was highly encouraged by the Budget 2010 commitment to create a new review mechanism for the RCMP. Additionally, the continuation of $3.1 million in interim CPC funding for fiscal year 2010-2011 indicated strong government support for this organization's current mandate which seeks to enhance public confidence in the RCMP through greater accountability.

In terms of the creation of a modern police oversight model, the CPC has urged the government to address a number of critical issues. These include:

- greater access to RCMP-held information;
- ability to self-initiate broader-based reviews as opposed to being complaints-driven;
- ability to work cooperatively with other agencies (provincial and federal);
- stewardship of the RCMP complaints process; and
- improved powers of inquiry without having to resort to a full-blown inquiry to compel witnesses and examine documents.

On June 14, 2010, the Minister of Public Safety tabled the *Ensuring the Effective Review of RCMP Civilian Complaints Act*.

The Commission looks forward to the opportunity to participate in and inform the public debate on the proposed new legislative framework for the civilian oversight of the RCMP. It is vitally important to all Canadians that we get it right. The Commission considers it a key responsibility to promote a system which is forward-looking and provides Canadians with the assurances that appropriate checks and balances are in place.

"The Commission looks forward to the opportunity to participate in and inform the public debate on the proposed new legislative framework for the civilian oversight of the RCMP."

APPENDIX 1: FINANCIAL STATEMENT*

Commission for Public Complaints Against the RCMP Budget and Expenditures

Actual Spending	2009-2010	Planned Spending	2010-2011
Salaries	4,234	Salaries	4,746
Operating expenditures	2,713	Operating expenditures	2,744
Total	6,947	Total	7,490

Notes:

i. Subject to year-end adjustments

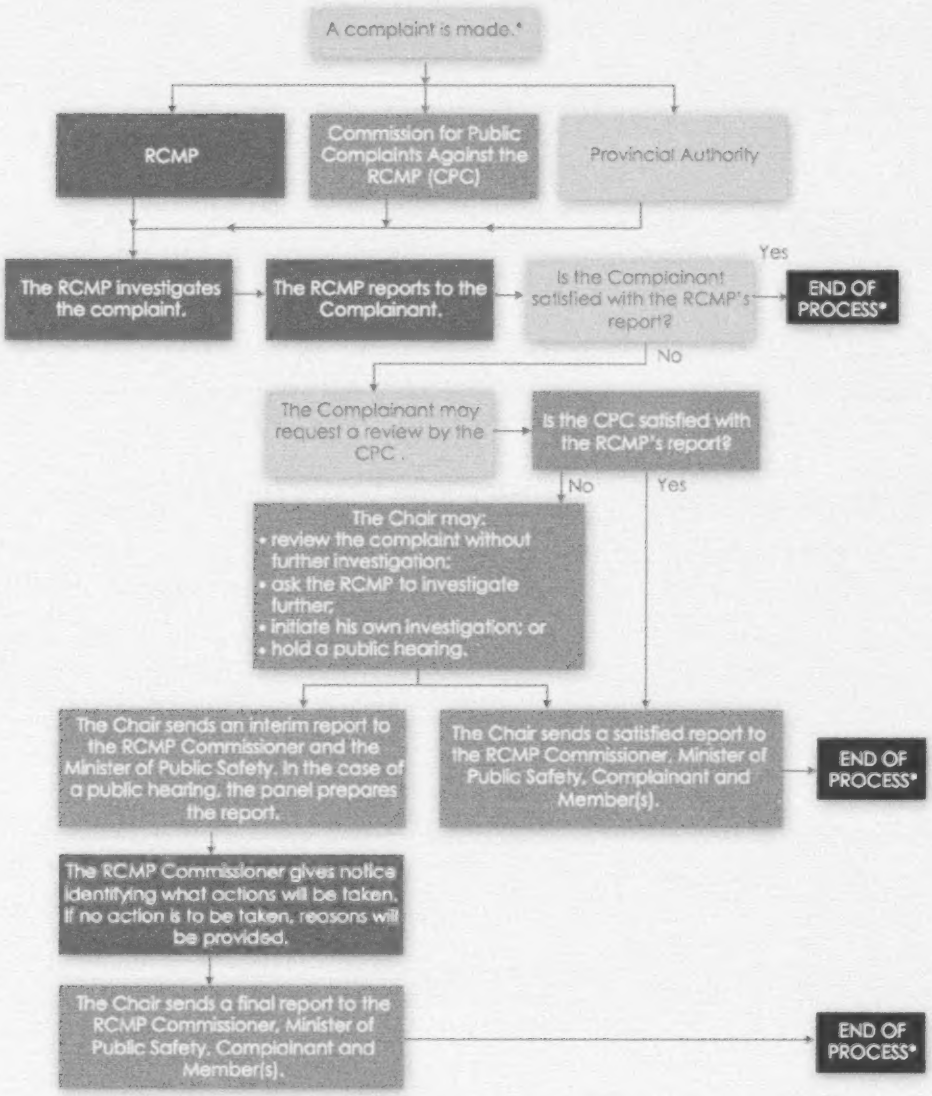
ii. In 2009-2010 received additional funding from Treasury Board Management Reserve to support its work ($1,465K salaries and $1,195K operating expenditures)

iii. In 2010-2011 planned spending includes Treasury Board Management Reserve funding ($1,465K salaries and $1,195K operating expenditures)

iv. Figures do not include employee benefit plans (EBP) or accommodation costs

* in thousands

APPENDIX 2:
THE COMPLAINTS PROCESS


A complaint is made.*
RCMP
Commission for Public Complaints Against the RCMP (CPC)
Provincial Authority
The RCMP investigates the complaint.
The RCMP reports to the Complainant.
Is the Complainant satisfied with the RCMP's report?
Yes
END OF PROCESS*
No
The Complainant may request a review by the CPC.
Is the CPC satisfied with the RCMP's report?
No
Yes
The Chair may:
• review the complaint without further investigation;
• ask the RCMP to investigate further;
• initiate his own investigation; or
• hold a public hearing.
The Chair sends an interim report to the RCMP Commissioner and the Minister of Public Safety. In the case of a public hearing, the panel prepares the report.
The Chair sends a satisfied report to the RCMP Commissioner, Minister of Public Safety, Complainant and Member(s).
END OF PROCESS*
The RCMP Commissioner gives notice identifying what actions will be taken. If no action is to be taken, reasons will be provided.
The Chair sends a final report to the RCMP Commissioner, Minister of Public Safety, Complainant and Member(s).
END OF PROCESS*

* The Chair can initiate his own complaint. In addition, at any stage of the process, the Chair may institute an investigation or a hearing where he considers it advisable in the public interest.